



STATE OF TENNESSEE  
**DEPARTMENT OF ENVIRONMENT AND CONSERVATION**  
KNOXVILLE ENVIRONMENTAL FIELD OFFICE  
2700 MIDDLEBROOK PIKE, SUITE 220  
KNOXVILLE, TENNESSEE 37921-5602  
(615) 594-6035 FAX (615) 594-6105

September 22, 1995

Mr. J. David Rivers, Partner  
Highland Sand Company  
P. O. Box 21  
Harriman, TN 37748

**RE: NPDES Permit Issuance and Plans Approval**  
Highland Sand Company  
Cumberland County Facility  
NPDES Permit No. TN0047392 (Renewal/Modification)  
Cumberland County

Dear Mr. Rivers:

In accordance with the provisions of The Tennessee Water Quality Control Act (Tennessee Code Annotated, Sections 69-3-101 et seq.) and regulations of the Tennessee Division of Water Pollution Control the enclosed permit is hereby issued. The continuance and/or reissuance of this permit is contingent upon your meeting the conditions and requirements as stated therein.

Please be advised that you have the right to appeal any of the provisions established in this permit in accordance with Tennessee Code Annotated, Section 69-3-105(i), and the general regulations of the Tennessee Water Quality Control Board. If you elect to appeal, you should file a petition within thirty (30) days of the receipt of this permit. Such petition must be prepared on 8 1/2-inch by 11-inch paper, addressed to Paul E. Davis, Director, and filed in duplicate at the following address:

Paul E. Davis, Director  
Division of Water Pollution Control  
Department of Environment and Conservation  
6th Floor, L & C Tower Annex  
401 Church Street  
Nashville, TN 37243-1534

In such petition you must state your contention in numbered paragraphs, describing how the action of the Division is inappropriate.

Mr. J. David Rivers, Partner  
Highland Sand Company  
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Enclosed is one copy of the supporting plans stamped "APPROVED." This copy of the approved plans must be kept on site during the hours of operation. If changes in the mining plan or procedure which affect wastewater treatment or runoff control are necessary, they must be approved in writing by this Division prior to the initiation of those changes. Failure of your company's strict adherence to those plans could jeopardize the continuation of your permit.

If you have any questions concerning this correspondence, contact Gary Mullins at (615) 594-6035.

Sincerely,



Carl E. Tenut, Manager  
Mining Section  
Division of Water Pollution Control

CET:GWM:CTH

Enclosure

cc: Robert M. Brooks, Environmental Specialist  
NPDES Permit File

# STATE OF TENNESSEE



## NPDES PERMIT

**NPDES Permit No. TN0047392 (Renewal/Modification)**

Authorization to discharge under the  
National Pollutant Discharge Elimination System

Issued By

**Tennessee Department of Environment and Conservation  
Division of Water Pollution Control - Mining Section  
2700 Middlebrook Pike, Suite 220  
Knoxville, Tennessee 37921**

Under authority of the Tennessee Water Quality Control Act of 1977 (T.C.A. 69-3-101 et seq.) and the delegation of authority from the United States Environmental Protection Agency under the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 (33 U.S.C. 1251, et seq.)

Discharger: **Highland Sand Company  
Cumberland County Facility**

is authorized to discharge treated wastewater and stormwater:

from a facility located in **Cumberland County**, at latitude **35° 53' 40"**, longitude **84° 54' 30"**, consisting of **40** acres

to receiving waters named: **Meadow Creek - 001, 002**

in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

This permit shall become effective on: **September 22, 1995**

This permit shall expire on: **September 21, 2000**

Issuance date: **September 22, 1995**

Paul E. Davis, Director  
Division of Water Pollution Control

**PART I**

**A. WASTEWATER LIMITATIONS AND MONITORING REQUIREMENTS  
(Construction Sand and Gravel)**

1. During the period beginning with the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge treated wastewater and stormwater from all point sources associated with the mining and related facilities indicated on the approved area maps. Point source discharges include mine dewatering activities, discharges from treatment structures, and discharges associated with access roads and haulroads.

Such wastewater and stormwater shall be limited and monitored by the permittee as specified below until the site has been closed and stabilized according to plans approved by the Division. Additionally, conditions stipulated in Part III B., Termination of Monitoring, shall be met.

<b>WASTEWATER LIMITATIONS</b>				
<u>Wastewater Characteristics</u>	<u>Discharge Limitations</u>		<u>Monitoring Requirements</u>	
	<u>Daily</u>	<u>Maximum</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Total Suspended Solids	40.0	mg/l	Two per Month	Grab
Settleable Solids	0.5	ml/l	Two per Month	Grab
Flow (GPM)	-----		Two per Month	Est.
pH	6.0 to 9.0	Standard Units at all times	Two per Month	Grab

<b>ALTERNATE LIMITATIONS FOR PRECIPITATION EVENTS</b>				
<u>Wastewater Characteristics</u>	<u>Discharge Limitations</u>		<u>Monitoring Requirements</u>	
	<u>Daily</u>	<u>Maximum</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
pH	6.0 to 9.0	Standard Units at all times	Two per Month	Grab

Discharges occurring from sediment control structures as a result of a precipitation event equal to or greater than ten year-twenty four hours (10yr/24hr) may meet the following alternate limitations. The structures shall be constructed and maintained to control the event and adequate documentation of the event (photographs, rainfall data, etc.) shall be furnished.

**STORMWATER DISCHARGES <sup>1</sup>**

<u>Parameter</u>	<u>Reporting Level</u>	<u>Monitoring Requirements</u>	
		<u>Monitoring Frequency</u>	<u>Sample Type</u>
pH	4.0 to 9.0 Standard Units	Annually	Grab
Total Suspended Solids	200 mg/l	Annually	Grab
Oil and Grease	15 mg/l	Annually	Grab

<sup>1</sup> Applies only if all access and haulroad drainage is not being routed to approved treatment structures.

**NOTE:** The permittee shall monitor at least once a year the stormwater outfalls identified for monitoring in the stormwater pollution prevention plan. Any change or modification in the number of parameters monitored or in measurement frequency will be dependent on the nature and effect of the discharge and its impact on the receiving waters.

2. The operator shall have the burden of proof that the discharge or increase in discharge was caused by the applicable precipitation event. This can be in the form of precipitation data, weir flow measurements, dated photographs, or equivalent proof of record. This information shall be submitted with the Discharge Monitoring Reports (DMR's) at the end of the quarterly monitoring period.
3. The first time each month the precipitation exemption is utilized, before either of the scheduled sampling days described herein, one sampling shall be taken within twelve (12) hours following the precipitation event and prior to cessation of discharge. One additional sampling, taken 24 to 36 hours following that precipitation event, will be required. Data from the precipitation event shall be submitted in lieu of data from the next scheduled sampling day of that month. Failure to submit the sampling information with the quarterly Discharge Monitoring Reports (DMR's) will void use of the exemption for that period.
4. Batch or Pump Discharges

Batch or pump discharge(s) of any treated mine wastewater from approved treatment structures shall comply with effluent standards set forth herein and shall be directed to a splashpad or the pond's spillway constructed of non-erosive material. Batch or pump discharge(s) shall be sampled according to the following monitoring schedule:

- a. A minimum of two (2) samples shall be collected. One sample shall be collected within one (1) hour from the beginning of the discharge and the second sample shall be taken within one (1) hour prior to cessation of the discharge.

- b. Each batch or pump discharge lasting more than four (4) hours shall be sampled once in addition to the schedule established in 4(a) above. The additional sample shall be taken midway of the total time of discharge.
- c. Duration of the discharge shall be noted on the Discharge Monitoring Report
- d. **Discharges lasting more than twenty-four hours shall be considered as a separate discharge monitoring cycle. Monitoring procedures stipulated above shall be reinstated.**

Data from the sampled discharge shall be submitted with the Discharge Monitoring Report (DMR) along with any other discharge data collected for the monitoring period. This data may be submitted in lieu of data from the next scheduled sampling day of the month. Pumpage of water from sediment control structures is a prohibited bypass if the sampling procedures as stated herein (Part I) are not followed.

5. Gravity Discharges from Sediment Control Structures and/or Treatment Facilities

Representative samples shall be taken according to the following established sampling frequencies unless otherwise approved by the Division subsequent to a specific written request by the permittee:

Twice a month samples shall be taken once during the first half and once during the second half of the month unless a discharge occurs prior to the sampling period.

- 6. There shall be no distinctly visible floating scum, oil, or other matter contained in the wastewater either in the discharge or within the treatment structure. The wastewater discharge must not cause an objectionable color contrast in the receiving stream.
- 7. The wastewater discharge shall result in no other materials in concentrations sufficient to be hazardous or otherwise detrimental to humans, livestock, wildlife, plant life, or fish and aquatic life in the receiving stream.
- 8. Sludge or any other material removed by any treatment works shall be disposed of in a manner which prevents its entrance into or pollution of any surface or subsurface waters. Additionally, the disposal of such sludge or other material shall be in compliance with the *Tennessee Solid Waste Disposal Act, TCA 68-31-101, et seq.* and the *Tennessee Hazardous Waste Management Act, TCA 68-46-101, et seq.*

## B. STORMWATER DISCHARGES ASSOCIATED WITH ACCESS ROADS AND HAUL ROADS

The addendum entitled "*ADDENDUM TO EXISTING NPDES WASTEWATER PERMITS FOR STORMWATER DISCHARGES FOR THE MINING INDUSTRY*" has been incorporated into and made part of this permit.

### 1. Stormwater Discharges Associated with Access Roads and Haul Roads

- a. Samples shall be collected from discharges resulting from a storm event that is greater than 0.1 inch in magnitude and that occurs at least seventy-two (72) hours after any previous storm event of 0.1 inch or greater.
- b. Grab samples shall be collected as soon as practicable during a storm event discharge.
- c. Sample test results for Total Suspended Solids and Oil and Grease shall be recorded in milligrams per liter (mg/l). Test results for pH shall be expressed in Standard Units (S.U.).
- d. In addition to the information contained in Part I, Section E (3), the monitoring report form shall include:
  - 1) The exact location from which the sample was taken, i.e., culvert, sump, etc.
  - 2) The duration (in hours), starting and ending times, and magnitude (in inches) of the storm event sampled.

### 2. Stormwater Pollution Prevention Plan

The permittee shall develop, document, and maintain a stormwater pollution prevention plan, which shall contain at a minimum the following items. The plan shall be signed by one who meets signatory requirements of Part I, Section D (1) of this permit.

- a. A site map indicating an outline of the drainage area of each stormwater outfall or discharge point; and existing structural control measures designed to reduce pollutants in stormwater runoff.
- b. The plan shall contain a narrative indicating the appropriateness of traditional stormwater control measures and/or Best Management Practices (BMP's) as described in Part II, Section A (8) of this permit.

- c. The plan shall identify areas which, due to topography, mining activities, or other factors, have a high potential for erosion and the contribution of suspended solids, and identify measures to limit such erosion.
- d. Designated person(s) named in the plan shall inspect access roads and haul roads at least once a year to check the accuracy of the plan, maps, and evaluate whether Best Management Practices (BMP's) and/or other structural controls to prevent or minimize erosion and the contribution of suspended solids are adequate and properly implemented or whether additional control measures are needed.
- e. The permittee shall maintain a record which summarizes the results of the inspection and a certification that the facility is in compliance with the stormwater pollution prevention plan (including implementation of Best Management Practices-BMP's) and identify any incident(s) of non-compliance.
- f. The plan shall be revised and updated by the permittee at least annually.
- g. The plan shall be developed and available for review within 180 days after permit coverage becomes effective. Mining facilities should implement Best Management Practices (BMP's) and/or other structural controls as soon as possible but not later than one year after permit coverage. Where required, structural controls should be installed as soon as possible according to the scope of the project. A schedule for such construction shall be included in the stormwater pollution prevention plan.
- h. The plan shall be maintained by the permittee on the site or at a nearby office. Copies of the plan shall be submitted (postmarked) to the Division within ten (10) working days of a request.
- i. The stormwater pollution prevention plan shall be modified as required by the Director of the Division of Water Pollution Control.
- j. A stormwater monitoring plan for access roads and haulroads shall conform to the requirements of Part I, Section A (1) of this permit. All outfalls that convey stormwater associated with access roads and haulroads shall be identified. All outfalls shall be monitored, except where the permittee expects two or more outfalls to convey substantially similar stormwater effluent. In this case, the discharger may monitor at a reduced number of outfalls. The permittee shall incorporate into the monitoring plan justification for the outfall sampling locations chosen.
- k. For each outfall monitored, the surface area and type of cover, for example, gravel, asphalt, dirt, crushed rock, pavement, etc., shall be identified.



1. The stormwater pollution prevention plan, copies of the inspection results and summaries, and all other records and monitoring reports associated with stormwater discharges from access roads and haulroads shall be retained for a minimum of three (3) years as required

### **C. SEDIMENT CONTROL STRUCTURES AND/OR TREATMENT FACILITIES CONSTRUCTION SCHEDULE**

1. Full compliance and operational levels shall be attained from the effective date of this permit for all parameters.
2. All pollution control equipment required to meet the conditions of this permit shall be installed, be in operational condition, and shall be "started-up" prior to discharge.
3. Prior to receiving drainage from disturbance of the permitted mine area, sediment control structures and/or treatment facilities shall be constructed according to approved plans and certified after construction by a Tennessee Registered Professional Engineer or an authorized responsible representative of the company. Such certifications shall be submitted to and approved by the Division.

### **D. REPORTING**

#### **1. Monitoring Results**

##### **a. Wastewater Discharges**

Monitoring results for wastewater discharges shall be recorded monthly and submitted to the Division postmarked no later than fifteen (15) days after the close of the monthly monitoring period. Discharge Monitoring Reports (DMR's) shall be submitted for each outfall number listed on the permit. If a treatment structure listed on the permit has not been constructed, this shall be noted on the Discharge Monitoring Report (DMR) as "not constructed."

The first Discharge Monitoring Report (DMR) for wastewater discharges is due:

##### **b. Stormwater Discharges**

- 1) Monitoring results for stormwater discharges shall be submitted annually and no later than fifteen (15) days after completion of the quarterly reporting period in which the sample was taken.

- 2) For the purpose of this permit, a "quarter" is defined as any of the following three month periods: January 1 through March 31; April 1 through June 30; July 1 through September 30; and October 1 through December 31.

Wastewater and stormwater discharges shall be reported on Discharge Monitoring Report (DMR) forms supplied by the Division of Water Pollution Control. The top two (2) copies of each report are to be submitted to the Division of Water Pollution Control, Mining Section. The remaining copy should be retained for the permittee's file.

Discharge Monitoring Reports (DMR's) shall be signed and certified by a principal corporate officer of at least the level of vice-president, a general partner or proprietor, or his duly authorized representative. Such authorization shall be submitted in writing, signed by the permittee, and shall explain the duties and responsibilities of the authorized representative.

Discharge Monitoring Reports (DMR's) and any communication regarding compliance with the conditions of this permit shall be sent to:

**Tennessee Department of Environment and Conservation**  
**Division of Water Pollution Control**  
**2700 Middlebrook Pike, Suite 220**  
**Knoxville, TN 37921**  
**ATTENTION: Mining Compliance**

3. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified herein, the results of such monitoring shall be included in the calculation and reporting of the values required on the Discharge Monitoring Report (DMR). Such increased frequency shall also be indicated.

4. Falsifying Reports

Knowingly making any false statement on any report required by this permit may result in the imposition of criminal penalties as provided for in Section 309 of *The Federal Clean Water Act of 1977*, as amended, and in Section 69-3-115(C) of *The Tennessee Water Quality Control Act*, as amended.

## E. MONITORING PROCEDURES

### 1. Representative Sampling

Samples and measurements taken in compliance with the monitoring requirements specified above shall be representative of the volume and nature of the monitored discharge and shall be taken at the following location(s): nearest accessible point after final treatment but prior to actual discharge(s) to or mixing with the receiving waters.

### 2. Test Procedures

- a. Test procedures for the analysis of pollutants shall conform to regulations published pursuant to Section 304(h) of *The Federal Clean Water Act of 1977*, as amended, under which such procedures may be required.
- b. Unless otherwise noted in the permit, all pollutant parameters shall be determined according to methods prescribed in Title 40, CFR, Part 136, as amended, promulgated pursuant to Section 304 (h) of *The Federal Clean Water Act*, as amended.

### 3. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. The exact place, date, and time of sampling;
- b. The dates the analyses were performed;
- c. The person(s) who performed the analyses;
- d. The analytical techniques or methods used; and
- e. The results of all required analyses.

### 4. Records Retention

All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed and calibration and maintenance of instrumentation, shall be retained for a minimum of three (3) years, or longer, if requested by the Division of Water Pollution Control, and be readily available to the Division's representative for review.

**PART II**

**A. GENERAL PROVISIONS**

1. Duty to Reapply

Permittee is not authorized to discharge after the expiration date of this permit. In order to receive authorization to discharge beyond the expiration date, the permittee shall submit such information and forms as are required to the Director no later than 180 days prior to the expiration date.

2. Right of Entry

The permittee shall allow the Director, the Regional Administrator of the U.S. Environmental Protection Agency, or their authorized representatives, upon the presentation of credentials to:

- a. Enter upon the permittee's premises where an effluent source is located or where records are required to be kept under the terms and conditions of this permit, and copy these records;
- b. Inspect any monitoring equipment or method or any collection, treatment, pollution management, or discharge facilities required under this permit and;
- c. Sample any discharge of pollutants.

3. Availability of Reports

Except for data determined to be confidential under Section 308 of *The Federal Clean Water Act of 1977*, as amended, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the the Division of Water Pollution Control, Mining Section. As required by the Federal Act, effluent data shall not be considered confidential.

4. Proper Operation and Maintenance

- a. The permittee shall at all times properly operate and maintain all facilities and systems (and related appurtenances) for collection and treatment installed or used by the permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory and process controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
- b. Dilution water shall not be added to comply with effluent requirements.

5. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal right, nor any infringement of federal, state, or local laws or regulations.

6. Severability

The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, then the application of such provision to other circumstances and to the remainder of this permit shall not be affected thereby.

7. Other Information

If the permittee becomes aware that he failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in a report to the Director, then he shall promptly submit such facts or information.

8. Best Management Practices (BMP's)

The permittee shall utilize Best Management Practices (BMP's) to prevent or minimize erosion and the contribution of suspended solids and sediment to surface waters and/or adjacent properties. Such practice(s) shall be implemented to reduce the impacts caused by disturbances created by the installation of culverts, the construction of haulroads, access roads, spoil storage and stockpile areas, and other related activities. Best Management Practices (BMP's) include, but are not limited to, rapid grading, mulching, and revegetation of disturbed areas, straw bales, sediment traps and swells, vegetative buffer zones, erosion control structures, and rock check dams. Best Management Practices (BMP's) are to be utilized as supplemental or auxiliary erosion control measures, not as substitutes for monitoring requirements of point source discharges.

Additional information regarding acceptable practices may be found in the **TENNESSEE EROSION and SEDIMENT CONTROL HANDBOOK, July 1992**, which is available from the Division.

**B. CHANGES AFFECTING THE PERMIT**

1. Planned Changes

The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

- a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or

- b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to requirements under 40 CFR 122.42(a)(1).

## 2. Permit Modification, Revocation, or Termination

- a. This permit may be modified, revoked and reissued, or terminated for cause as described in 40 CFR 122.62 and 122.64, Federal Register, Volume 49, No. 188 (Wednesday, September 26, 1984).
- b. The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.
- c. If any applicable effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established for any toxic pollutant under Section 307(a) of *The Federal Clean Water Act of 1977*, as amended, the Director shall modify or revoke and reissue the permit to conform to the prohibition or to the effluent standard, providing that the effluent standard is more stringent than the limitation in the permit on the toxic pollutant. The permittee shall comply with these effluent standards or prohibitions within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified or revoked and reissued to incorporate the requirement.

## 3. Change of Ownership

This permit may be transferred to another person by the permittee if:

- a. The permittee notifies the Director of the proposed transfer at least thirty (30) days in advance of the proposed transfer date;
- b. The notice includes a written agreement between the existing and new permittee containing a specified date for transfer of the permit and liability between them;
- c. The Director, within thirty (30) days, does not notify the current permittee and the new permittee of his intent to modify, revoke and reissue, or terminate the permit and to require that a new application be filed rather than agreeing to the transfer of the permit; and
- d. All changes of ownership include the submittal of the Division's form entitled "Agreement and Application for Transfer of N.P.D.E.S. Permit."

#### 4. Change of Mailing Address

The permittee shall promptly provide to the Director written notice of any change of mailing address. In the absence of such notice the original address of the permittee will be assumed to be correct.

### C. NON-COMPLIANCE

#### 1. Effect of Non-Compliance

All discharges shall be consistent with the terms and conditions of this permit. Any permit non-compliance constitutes a violation of applicable state and federal laws and is grounds for enforcement action, permit termination, permit modification, or denial of permit reissuance.

#### 2. Reporting of Non-compliance

##### a. 24-Hour Reporting

In the case of any non-compliance which could cause a threat to the public drinking water supplies, or any other discharge which could constitute a threat to human health or the environment, a required notice of non-compliance shall be provided to the Division of Water Pollution Control, Mining Section, within twenty-four (24) hours from the time the permittee becomes aware of the circumstances.

Telephone No. (615) 594-6035

Fax No. (615) 594-6105

Additionally, written submission shall be provided within five (5) days of the time the permittee becomes aware of the circumstances unless this requirement is waived by the Director on a case-by-case basis. The permittee shall provide the Director with the following information:

- (1) A description of the discharge and cause of non-compliance;
- (2) The period of non-compliance, including exact dates and times, or, if not corrected, the anticipated time non-compliance is expected to continue; and
- (3) The steps being taken to monitor, reduce, eliminate, and prevent recurrence of the non-complying discharge.

This written notice shall not be considered as excusing or justifying the failure to comply with the effluent limitations. This non-compliance shall also be reported on the Discharge Monitoring Report (DMR). The details may be incorporated by reference to the written five (5) day notification.

b. Scheduled Reporting

For instances of non-compliance which are not reported under subparagraph 2(a) above, the permittee shall report the non-compliance on the Discharge Monitoring Report (DMR). The report shall contain all information concerning the steps taken, or planned, to monitor, reduce, eliminate, and prevent recurrence of the violation and the anticipated time the violation is expected to continue.

3. Bypassing

- a. "Bypass" means the intentional diversion of wastes from any portion of a treatment facility. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which could cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- b. Bypass is prohibited unless the following three (3) conditions are met:
- (1) Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage;
  - (2) There are no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
  - (3) The permittee submits notice of an unanticipated bypass to the Division of Water Pollution Control, Mining Section, within twenty-four (24) hours of becoming aware of the bypass (if this information is provided orally, a written submission shall be provided within five (5) days). When the need for the bypass is foreseeable, prior notification shall be submitted for approval to the Director, if possible, at least ten (10) days before the date of the bypass.
- c. The Director may prohibit bypass in consideration of the adverse effect of the proposed bypass or if the proposed bypass does not meet the conditions set forth in subparagraphs 3(b)(1) and (2).
- d. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of subparagraph b. above.



#### 4. Upset

- a. "Upset" means an exceptional incident in which there is unintentional and temporary non-compliance with technology-based effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- b. An upset shall constitute an affirmative defense to an action brought for non-compliance with such technology-based permit effluent limitations if the permittee demonstrates, through properly signed, contemporaneous operating logs, or other relevant evidence that:
- c. *Conditions necessary for a demonstration of upset.* A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
  - (2) At the time the permitted facility was being operated in a prudent and workman-like manner and in compliance with proper operation and maintenance procedures;
  - (3) The permittee submitted information required under "Reporting of Non-Compliance" within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission shall be provided within five (5) days); and
  - (4) In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.
  - (5) The permittee complied with any remedial measures required under "Adverse Impact."

#### 5. Adverse Impact

The permittee shall take all reasonable steps to minimize any adverse impact to the waters of Tennessee resulting from non-compliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying discharge. In an enforcement action it shall not be a defense for the permittee that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

### D. LIABILITIES

#### 1. Civil and Criminal Liability

Except as provided in permit conditions for "Bypassing", nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Notwithstanding this permit, the permittee shall remain liable for any damages sustained by the state of Tennessee including, but not limited to, fish kills and losses of

aquatic life and/or wildlife, as a result of the discharge of wastewater to any surface or subsurface waters. Additionally, notwithstanding this permit, it shall be the responsibility of the permittee to conduct its wastewater treatment and/or discharge activities in a manner such that public or private nuisances or health hazards will not be created.

2. Liability Under State Law

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or *The Clean Water Act of 1977*, as amended.

**PART III**

**A. GENERAL REQUIREMENTS**

1. Prior to the creation of any disturbed area or point source discharge within the projected area of operation, and prior to changes, corrections, modifications, or adjustments in the location of any point source discharge, an Engineering Plan shall be submitted to and approved by the Division of Water Pollution Control, Mining Section.
2. No active mining activity shall be conducted within the projected area of operation unless the detailed Engineering Plan for the specific, limited area of operation or disturbance has been approved in advance. The Engineering Plan shall include those documents, maps, drawings, and other materials as required by the Division.

**B. TERMINATION OF MONITORING**

Monitoring of a discharge may be terminated when all of the following have been satisfactorily completed:

1. Sufficient data has been accumulated to show to the satisfaction of the Director of the Division of Water Pollution Control that the untreated discharge from an area where mining is completed shall meet limitations established by the Division as stated herein [Part I, A(1), Page 1]. Other factors such as watershed or background characteristics may be taken into consideration if sufficient data and documentation are provided to the Division by the permittee.
2. The permittee or his duly authorized representative submits proof of bond release and a letter to the Division of Water Pollution Control requesting permit termination.
3. The site has been closed and stabilized according to approved plans and to the satisfaction of the Division.
4. After a thirty day (30) public notice, there is no adverse public comment to uphold termination.

### C. EXAMPLES OF DISCHARGES COVERED BY THIS PERMIT

Examples of discharges which are covered by *The Federal Clean Water Act of 1977*, as amended, and this permit include, but are not limited to, the following:

1. Pumped or gravity drainage from the permitted area, including but not limited to the mine, overburden storage, and stockpile areas.
2. Discharges from sediment control structures and/or treatment facilities.

### D. DURATION AND REISSUANCE OF PERMITS

The Commissioner shall review the permit and other available information to insure:

1. That the permittee is in compliance with or has substantially complied with all terms, conditions, requirements, and schedules of compliance of the expired permit;
2. That the Commissioner has up-to-date information on the permittee's production levels, permittee's waste treatment practices, nature, contents, and frequency of permittee's discharge, either pursuant to monitoring records and reports submitted to the Commissioner by the permittee; and,
3. That the discharge is consistent with applicable effluent standards and limitations, water quality standards, and other legally applicable requirements including any additions to, or revisions or modifications of such effluent standards and limitations, water quality standards, or other legally applicable requirements during the term of the permit.

### E. TOXIC POLLUTANTS

The permittee shall notify the Division of Water Pollution Control as soon as it knows or has reason to believe:

1. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant (listed in 40 CFR, Part 122, Appendix D, Table II and III) which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
  - a. One hundred micrograms per liter (100 ug/l);
  - b. Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;

- c. Five (5) times the maximum concentration value reported for that pollutant in the permit application; in accordance with 122.21(g)(7); or
  - d. The level established by the Director in accordance with 122.44(f).
2. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
    - a. Five hundred micrograms per liter (500 ug/l);
    - b. One milligram per liter (1 mg/l) for antimony;
    - c. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 122.21(g)(7); or
    - d. The level established by the Director in accordance with 122.44(f).
  3. They have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the permit application under 122.21(g)(9).

## F. DEFINITIONS

1. "*Access Road/Haul Road*" is any road constructed, maintained, or used by the operator of a mining facility primarily for the purpose of transporting raw materials, equipment, manufactured products, waste material, or by-products, and is located within the affected area.
2. "*Batch discharge*" for the purpose of this permit means the controlled release through a pipe (valve) of a known quantity and quality of treated wastewater that has been pumped to a treatment structure after such water has been chemically treated to meet permit limits.
3. "*Beneficiation*" is all or any part of the process involved in treating a mineral or raw material so as to improve properties and/or remove impurities. Processing may include any or all of the following activities: sizing, screening, crushing, separation, and washing.
4. "*Best Management Practices (BMP's)*" means a practice or a combination or series of practices designed to prevent or minimize the amount of pollution generated by non point sources, such as haulroads, access roads, spoil storage and stockpile areas, site preparation, installation of culverts, and other related activities.

5. "Bypass" means the intentional diversion of wastes from any portion of a treatment facility.
6. "Calendar Day" is defined as any 24-hour period.
7. "Clean Water Act" or "Act" means *The Federal Clean Water Act* (formerly referred to as *The Federal Water Pollution Control Act* or *The Federal Water Pollution Control Act Amendments of 1972*), as amended.
8. "Commissioner" means the Commissioner of the Tennessee Department of Environment and Conservation.
9. "Daily Maximum Concentration" is a limitation on the average concentrations in milligrams per liter, of the discharge during any calendar day.
  - (a) When a proportional-to-flow composite sampling device is used, the daily concentration is the concentration of that 24 hour composite.
  - (b) When other sampling means are used, the daily concentration is the arithmetic mean of the concentrations of equal volume samples collected during any calendar day or sampling period.
10. "Director" means the Director of the Division of Water Pollution Control or his authorized representative.
11. "Division" means the Division of Water Pollution Control.
12. "Grab Sample" means an individual sample of at least 100 milliliters collected at a randomly-selected time over a period not exceeding fifteen (15) minutes.
13. "Mine" shall mean an area of land, surface or underground, actively mined for the production of a natural resource. Such areas shall also include any adjacent land, the uses of which is incidental to any such activities; all lands affected by the construction of new roads or the improvement or use of existing roads, except maintained public roads, to gain access to the site of such activities and for haulage; excavations, workings, impoundments, dams, dumps, stockpiles, overburden piles, holes or depressions, repair areas, storage areas, and other areas upon which are sited structures, or other property or materials on the surface, resulting from or incident to such activities.
14. "Mine Dewatering" is any water that is impounded or that collects in the mine or quarry and is pumped, drained, or otherwise removed from the mine through the efforts of the mine operator. The term also includes wet pit overflows caused solely by direct rainfall and groundwater seepage and surface runoff entering the mine area.

15. "*Monthly Average Concentration*" is a limitation on the discharge concentration in milligrams per liter, as the arithmetic mean of all daily concentrations determined in a one-month period.
16. "*National Pollutant Discharge Elimination System (NPDES)*" means the Federal Environmental Protection Agency's (EPA) national program for issuing, modifying, revoking and reissuing, terminating, monitoring, and enforcing water quality permits. The term includes an "approved state program."
17. "*Process Generated Wastewater*" is any wastewater used in the slurry transport of mined material, air emissions control, or processing exclusive of mining. The term also includes any other water which becomes commingled with such wastewater in a pit, pond, lagoon, mine, or other facility used for treatment of such wastewater.
18. "*Regional Administrator*" means the Administrator for the Environmental Protection Agency or his authorized representative.
19. "*Sediment Control Structure*" means a designed device, constructed or manufactured, used in a soil and water conservation or management system to retain, regulate, or control the flow of water. Structures are used for the following soil and water conservation purposes: Example: Sediment Storage. *SCS Engineering Field Manual-USDA-SCS*.
20. "*Stormwater Application Rule*" is the EPA Regulation promulgated on November 16, 1990, and amended March 21, 1991, November 5, 1991, and April 2, 1992, requiring that application be made for NPDES permit for stormwater discharges associated with industrial activity.
21. "*Stormwater Pollution Prevention Plan*" is the plan developed, documented, and maintained by the permittee or responsible mine operator to minimize erosion and the contribution of suspended solids from stormwater discharges associated with access roads and haulroads.
22. "*Stormwater discharges associated with industrial activity*" means the discharge from any conveyance which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing, or raw materials storage areas at industrial plants. The term includes stormwater discharges from immediate access roads and haulroads.
23. "*Tennessee Water Quality Control Act of 1977*," as amended, TCA 69-3-101 et seq., is the act that sets forth the guidelines and procedures for the abatement and prevention of pollution to the waters of the state. The act enables the state of Tennessee to qualify for full participation in the NPDES permit program.

24. The term "*10 year, 24 hour precipitation event*" means the maximum 24-hour precipitation event with a probable recurrence interval of once in ten (10) years as defined by the National Weather Service and Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.," May 1961, and subsequent amendments or equivalent regional or rainfall probability information developed therefrom.
25. "*Upset*" means an exceptional incident in which there is unintentional and temporary non-compliance with technology-based effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

CSANDPER.DOC  
07/21/95

**RATIONALE**  
**CONSTRUCTION SAND AND GRAVEL MINING**  
**AND PROCESSING FACILITIES**

**HIGHLAND SAND COMPANY**  
**CUMBERLAND COUNTY FACILITY**  
**NPDES PERMIT NO. TN0047392**  
**CRAB ORCHARD, CUMBERLAND COUNTY, TENNESSEE**  
**AUGUST 4, 1995**

Permit Writer: Christopher T. Hobgood

I. **DISCHARGER**

Highland Sand Company  
P. O. Box 21  
Harriman, Tennessee

Contact: J. David Rivers, Partner

Facility Address: Cox Valley Road  
Crab Orchard, Tennessee

Nature of Business: Construction Sand and Gravel  
Mining and Processing

SIC Code: 1442

Industrial Classification: Secondary, Construction  
Sand and Gravel Mining and Processing

Discharger Rating: Minor



**II. PERMIT STATUS**

NPDES Permit No. TN0047392 issued January 31, 1980  
NPDES Permit No. TN0047392 expired January 31, 1983  
New Application for NPDES Permit No. TN0047392 received  
June 29, 1991

**III. FACILITY DISCHARGES AND RECEIVING WATERS**

This facility discharges treated wastewater and stormwater from Outfalls No. 001 and No. 002 into Meadow Creek in Crab Orchard, Tennessee. The classified uses for this stream are fish and aquatic life, recreation, irrigation, and livestock watering and wildlife. See *Rules of the Tennessee Department of Environment and Conservation, Chapter 1200-4-4-.01(9) Clinch River Basin.*

**IV. APPLICABLE EFFLUENT LIMITATIONS GUIDELINES**

**A. Total Suspended Solids (TSS)**

Federal effluent guidelines for TSS were promulgated on July 12, 1977, for the construction sand and gravel industry. Subsequently, Federal court action remanded the guidelines for TSS to the Environmental Protection Agency (EPA) for reconsideration. Effluent limitations guidelines for this parameter are therefore based upon applicable State regulations contained in *Chapter 1200-4-5-.03(2) of the Rules of the Tennessee Department of Environment and Conservation.*

The Division believes that the effluent limitations guidelines for TSS contained in Rule 1200-4-5-.03(2) are achievable by facilities in this industry if proper operation and maintenance are performed. In the Division's Best Professional Judgment (BPJ), the following effluent limitations for TSS provide the Best Conventional Technology (BCT) treatment for this industry:

Monthly Average Concentration ----- N/A  
Daily Maximum Concentration ----- 40.0 mg/l

**B. Settleable Solids**

Federal effluent limitations guidelines for Settleable Solids have not been promulgated. Effluent limitations guidelines for this wastewater characteristic

are based on Chapter 1200-4-5-.03(2) of the Rules of the Tennessee Department of Environment and Conservation.

The Division believes that the effluent limitations guidelines for Settleable Solids contained in Rule 1200-4-5-.03(2) are achievable by facilities in this industry if proper operation and maintenance are performed. In the Division's Best Professional Judgment (BPJ), the following effluent limitations for Settleable Solids provide the Best Conventional Technology (BCT) treatment for this industry:

Monthly Average Concentration ----- N/A  
Daily Maximum Concentration ----- 0.5 ml/l

C. pH

Federally promulgated effluent limitations guidelines for pH are in effect for the construction sand and gravel industry (See 40 CFR 436 Subpart C). The Division has determined that the Federal guidelines for pH adequately protect the classified uses of the receiving stream. The following effluent limitations guidelines are established for pH and are applicable at all times:

pH 6.0 - 9.0 Standard Units at all times

V. **STORMWATER DISCHARGES ASSOCIATED WITH ACCESS ROADS AND HAUL ROADS**

*The Federal Clean Water Act of 1987* and EPA regulations issued on November 16, 1990, and amended March 21, 1991, November 5, 1991, and April 2, 1992, require that application be made for an NPDES permit for stormwater discharges associated with industrial activity. These regulations include facility access roads and haul roads within the definition of industrial activity. See 40 CFR 122.26.

On October 30, 1992, the Division of Water Pollution Control modified existing NPDES permits issued to mining and processing facilities by establishing reporting levels and monitoring requirements for stormwater discharges associated with access roads and haul roads. This modification was implemented by the issuance of an addendum (supplement) to both existing and new permittees. The addendum entitled, *.ADDENDUM TO EXISTING NPDES WASTEWATER PERMITS FOR STORMWATER DISCHARGES FOR THE MINING INDUSTRY*, has been incorporated into and made part of this permit.

The parameter reporting levels and monitoring requirements for stormwater discharges associated with access roads and haul roads are based on *Rules of the Tennessee Department of Environment and Conservation, Chapter 1200-4-10-.04*.

These reporting levels and monitoring requirements include:\*

<u>Parameter</u>	<u>Reporting Level</u>	<u>Monitoring Requirements</u>	
		<u>Measurement Frequency</u>	<u>Sample Type</u>
Total Suspended Solids	200 mg/l	Annually	Grab
Oil & Grease	15 mg/l	Annually	Grab
pH	4.0 to 9.0 Standard Units	Annually	Grab

The permittee must also develop, document, and maintain a stormwater pollution prevention plan\* for access roads and haul roads. The plan shall identify and describe the methods for controlling, treating, and monitoring stormwater discharges associated with access roads and haul roads. The requirements for a stormwater pollution prevention plan are based on EPA regulations found in *40 CFR 122.26* and *122.44* and *Rules of the Tennessee Department of Environment and Conservation, Chapter 1200-4-10-.04*.

\*NOTE: These requirements are not applicable if all stormwater discharges associated with access and haul roads are routed to and adequately treated by approved wastewater treatment structures. Sufficient documentation (i.e. narrative, drainage maps, etc.) of such treatment shall be provided to the Division before this exemption is valid.

## VI. PRECIPITATION EVENT EXEMPTION

The precipitation event exemption provision at *40 CFR 436.32(b)* is in effect for the construction sand and gravel industry. To qualify for the exemption, wastewater treatment structures must be designed, constructed, and maintained to contain or treat the volume of wastewater which would result from a 10-year 24-hour precipitation event. The operator must also provide adequate documentation (photographs, rainfall data, etc.) of the precipitation event. The exemption applies to the effluent limitations guidelines for both Total Suspended Solids and Settleable Solids. The guidelines for pH remain in effect at all times.

## VII. MONITORING REQUIREMENTS

EPA regulations require that monitoring and sampling frequencies be sufficient to yield data that are representative of the monitored activity including, if appropriate, continuous monitoring. See *40 CFR 122.48*. A measurement schedule of twice per month for TSS, Settleable Solids, Flow, and pH will be established for discharges at this facility.

Discharges resulting from pumpage activities shall be sampled a minimum of two (2) times. One sample shall be collected within one (1) hour from the beginning of the discharge and the second sample shall be taken within one (1) hour prior to cessation of the discharge. Each pump discharge lasting more than (4) hours shall be sampled one additional time. The additional sample shall be taken midway of the total time of discharge. See 40 CFR 122.21.

If a pump discharge continues for more than twenty four (24) hours, a new sampling cycle shall be initiated. The new pump discharge cycle shall be sampled according to the monitoring frequency described in Part I, Section A of this permit. The monitoring frequencies for continuous pumped or batch discharges are discussed and described in the EPA publication entitled, *Handbook for Monitoring Industrial Wastewater*, August, 1973.

## VIII. REPORTING REQUIREMENTS

### A. Wastewater Discharges

Discharge Monitoring Reports (DMR's) for wastewater discharges shall be recorded monthly and submitted monthly. The Discharge Monitoring Reports (DMR's) must be submitted to the Division postmarked no later than fifteen (15) days after the close of the monthly monitoring period.

Discharge Monitoring Reports (DMR's) shall be submitted for each outfall number listed on the permit. If a treatment structure listed on the permit has not been constructed, this shall be noted on the Discharge Monitoring Report (DMR) as .not constructed..

### B. Stormwater Discharges

Monitoring results for stormwater discharges associated with access roads and haul roads shall be recorded on Discharge Monitoring Report (DMR) forms.

Monitoring results shall be submitted annually and no later than fifteen (15) days after completion of the quarterly reporting period in which the sample was taken. For the purpose of this permit, a .quarter. is defined as any of the following three month periods: January 1 through March 31; April 1 through June 30; July 1 through September 30; and October 1 through December 31.

## IX. PERMIT DURATION

The proposed limitations meet the requirements of *Section 301(b)(2)(A), (C), (D), (E), and (F) of The Federal Clean Water Act of 1987*. This permit will be issued for a five (5) year term.

**PUBLIC NOTICE**  
**State of Tennessee**  
**Department of Environment and Conservation**  
**Division of Water Pollution Control**  
**Mining Section**  
**2700 Middlebrook Pike, Suite 220**  
**Knoxville, Tennessee 37921**  
**(615) 594-6035**

Public Notice No. M 95-6

July 12, 1995

The Tennessee Division of Water Pollution Control proposes to issue, reissue, deny or terminate National Pollutant Discharge Elimination System (NPDES) permits as listed below. These permits authorize and regulate discharges of treated wastewater and stormwater from mining and processing facilities, including access roads and haul roads located within the affected areas.

**ISSUANCE/REISSUANCE - COAL**

1. **APPOLO FUELS, INC.**, P. O. Box 1727, Middlesboro, KY, 40965. Area No. 5, NPDES Permit No. TN0052485, SMCRA Permit No. 2858. Renewal. This existing inactive revegetated surface coal mine, located at latitude 36°34'54", longitude 83°44'58", discharges treated wastewater and stormwater into Langley Branch in Claiborne County.
2. **B & D MINING COMPANY, INC.**, Route 1, Box 409, Wartburg, TN 37887. Tipple No. 1, NPDES Permit No. TN0045900, SMCRA Permit No. 2535. Renewal. This existing coal prep plant and tipple, located at latitude 36°05'10", longitude 84°31'07", discharges treated wastewater and stormwater into Summers Branch in Morgan County.
3. **EASTERN MINERALS, INC.**, 4415 Shores Drive, Suite 230, Metairie, LA 70002. Mine No. 1, NPDES Permit No. TN0045641. Renewal. This existing underground coal mine, located at latitude 35°36'36", longitude 85°19'05", discharges treated wastewater and stormwater into Cane Creek in Bledsoe County. This permit covers the discharge of wastewater associated with coal reclamation activities only.
4. **KLINE COAL COMPANY, INC.**, P. O. Box 4250, Oneida, TN 37841. Deep Mine No. 7, NPDES Permit No. TN0062740, SMCRA Permit No. 2765. Renewal. This existing underground coal mine, located at latitude 36°19'10", longitude 84°29'25", discharges treated wastewater and stormwater into Mac's Branch in Scott County.

5. **ROUND MOUNTAIN MINING COMPANY, INC.** P. O. Box 5337, Glencoe, AL 35905. Area No. 1, NPDES Permit No. TN0068870, SMCRA Permit No. 2923. This proposed surface area coal mine, located at latitude 35°10'12", longitude 85°44'39", discharges treated wastewater and stormwater into an unnamed tributary of Polly King Cove in Marion County.
6. **TENNESSEE CONSOLIDATED COAL COMPANY**, 1000 Pocket Road, Whitwell, TN 37397. Daus Mountain Mine No. 2, NPDES Permit No. TN0054038, SMCRA Permit No. 2664. Modification and renewal. This existing underground surface coal mine, located at latitude 35°19'07", longitude, 85°30'00", discharges treated wastewater and stormwater into Kelley Creek in Sequatchie County. This modification involves the addition of a Discharge Monitoring Point (DMP).

#### ISSUANCE/REISSUANCE - NON-COAL

1. **CAMDEN GRAVEL COMPANY**, P. O. Box 527, Dyersburg, TN 38025. Camden Pit, NPDES Permit No. TN0070980. This existing chert gravel mine, located at latitude 36°02'02", longitude 88°05'28", discharges treated wastewater and stormwater into Cypress Creek in Benton County. This facility is operated by Ford Construction Company.
2. **FORD CONSTRUCTION COMPANY, INC.**, P. O. Box 527, Dyersburg, TN 38025. Troy Mine, NPDES Permit No. TN0071099. This existing gravel mine, located at latitude 36°19'27", longitude, 89°14'15", discharges treated wastewater and stormwater into Little Richland Creek in Obion County.
3. **FORD CONSTRUCTION COMPANY, INC.**, P. O. Box 527, Dyersburg, TN 38025. Troy Plant, NPDES Permit No. TN0071129. This existing chert gravel mine and processing facility, located at latitude 36°19'57", longitude 89°13'09", discharges treated wastewater and stormwater into Mill Creek in Obion County. The processing operation includes a crusher, pug mill, and an asphalt concrete plant.
4. **FORD CONSTRUCTION COMPANY, INC.**, P. O. Box 527, Dyersburg, TN 38025. White Pit, NPDES Permit No. TN0071072. This construction sand and gravel mine, located at latitude 36°08'13", longitude 89°22'14", discharges treated wastewater and stormwater into Light Creek in Dyer County.
5. **H. C. SPINKS CLAY COMPANY, INC.**, P. O. Box 820, Paris, TN 38242-0820. Mine No. 10, Black Charm, NPDES Permit No. TN0030465, Mining Permit No. 90-N-22. Renewal. This existing ball clay mine, located at latitude 36°25'00", longitude

88°21'50", discharges treated wastewater and stormwater into an unnamed tributary of North Fork of the Obion River in Weakley County

6. **HIGHLAND SAND COMPANY**, P. O. Box 21, Harriman, TN 37748. **Cox Valley Road Mine**, NPDES Permit No. TN0047392. This existing sand mine and processing plant, located at latitude 35°53'40", longitude 84°54'30", discharges treated wastewater and stormwater into Meadow Creek in Cumberland County.
7. **MEMPHIS STONE AND GRAVEL COMPANY**, P. O. Box 1683, Memphis, TN 38101. North Plant, 19-80 at Arlington, NPDES Permit No. TN0063185, Mining Permit No. 90-N-28. Renewal. This existing sand and gravel wash plant and dredge operation, located at latitude 35°20'15", longitude 89°43'45", discharges treated wastewater and stormwater into Crooked Creek Drainage Canal in Shelby County.
8. **SAVAGE ZINC, INC.**, P. O. Box 359, Gordonsville, TN 38563. Cumberland Mine, NPDES Permit No. TN0064289. Renewal. This existing underground zinc mine, located at latitude 36°15'42", longitude 85°55'57", discharges treated wastewater and stormwater into Caney Fork River in Smith County.
9. **SAVAGE ZINC, INC.**, P. O. Box 359, Gordonsville, TN 38563. Gordonsville Mine and Mill, NPDES Permit No. TN0029360. Renewal and Modification. This existing underground zinc mine and processing facility, located at latitude 36°11'39", longitude 85°56'08", discharges treated wastewater and stormwater into Caney Fork River and into an unnamed tributary of the Caney Fork River in Smith County.
10. **STANDARD CONSTRUCTION COMPANY, INC.**, P. O. Box 38289, Germantown, TN 38183-0289. Area No. 7, Deadfall Pit, NPDES Permit No. TN0066591, Mining No. OM-66591-95-07. This proposed sand and gravel mine, located at latitude 35°21'30", longitude 89°43'00", discharges treated wastewater and stormwater into an unnamed tributary of Crooked Creek Drainage Canal in Shelby County.
11. **TAYLOR BROTHERS SAND COMPANY, INC.**, Route 3, Box 337AA, Crossville, TN 38555. Area No. 1, NPDES Permit No. TN0063622. This existing sand mine and processing facility located at latitude 35°52'57", longitude 84°55'30", discharges treated wastewater and stormwater into Meadow Creek in Cumberland County.

#### MODIFICATION - NON-COAL

1. **HINKLE CONTRACTING CORPORATION**, P. O. Box 200 Paris, KY 40361. Jellico Stone Quarry, NPDES Permit No. TN0055140. Modification. This existing

limestone quarry and processing facility, located at latitude 36°34'40", longitude 84°04'50", discharges treated wastewater and stormwater into Clear Fork River in Campbell County. This modification involves the addition of two Discharge Monitoring Points (DMPs).

2. **MOLTAN COMPANY**, P. O. Box 9, Middleton, TN 38052. Mine No. 3, NPDES Permit No. TN0066524, Mining Permit No. OM-66524-95-03. This existing montmorillonite clay mine, located at latitude 35°00'36", longitude 88°54'14", discharges treated wastewater and stormwater into Colonel Creek in Hardeman County.
3. **ROGERS GROUP, INC.**, P. O. Box 25250, Nashville, TN 37202-0250. Algood Quarry, NPDES Permit No. TN0063517. This existing limestone quarry and processing facility, located at latitude 36°11'50", longitude 85°26'30", discharges treated wastewater and stormwater into Bear Creek in Putnam County. The applicant has added a wastewater treatment structure and a Discharge Monitoring Point (DMP).

#### DENIAL - COAL

1. **APPOLO FUELS, INC.**, P. O. Box 1727, Middlesboro, KY 40965. Area No. 5, NPDES Permit No. TN0052485, SMCRA Permit No. 2858. The Division proposes to deny the applicant's request to modify this NPDES permit to *40 CFR 434.52 Reclamation Area Standards*. The reason for denial is that the referenced site cannot currently meet *40 CFR 434.35 New Source Performance Standards (NSPS)* for surface coal mines without treatment. Thus the site is ineligible for the referenced reclamation area standards. This existing inactive revegetated surface coal mine, located at latitude 36°34'54", longitude 83°44'58", discharges treated wastewater and stormwater into Langley Branch in Claiborne County.

#### TERMINATION - COAL

1. **FENCO MINING COMPANY, INC.**, P. O. Box 69, Allardt, TN 38504. Area No. 4, NPDES Permit No. TN0053571, SMCRA Permit No. 2582. This NPDES Permit, authorizing the discharge of treated wastewater and stormwater at latitude 36°22'22", longitude 84°54'47" is terminated. This reclaimed area surface mine has been granted Phase III bond release by the Federal Office of Surface Mining (OSM). An NPDES permit is no longer required.

These applicants for NPDES permits discharge to surface waters which are classified for either domestic water supply, industrial water supply, fish and aquatic life, recreation, irrigation, and/or livestock watering and wildlife. The proposed permits are written to protect the classified uses of the receiving waters and contain limitations on the amounts



of pollutants to be discharged and/or other conditions. The proposed permits are drafted in accordance with applicable provisions of the Tennessee Water Quality Control Act, the Federal Clean Water Act, and appropriate regulations. The permit conditions are tentative and open to comment from the public.

Persons wishing to comment upon or object to the proposed action (permit issuance, modification, denial, or termination) or to the proposed permit conditions are invited to submit comments in writing to the Division at the above address, Attention: Gary W. Mullins. The comments must be received by August 17, 1995. The applicant's name and permit number should be included in the first page of comments.

Interested persons may also request in writing that the Division hold a public hearing on any application. The request must be filed within the comment period and must indicate the interest of the party filing it and the reasons why a hearing is warranted. When there is significant public interest in having a hearing, the Division will hold a public hearing, pursuant to Division Rule 1200-4-1-.05(3)(g).

After consideration of comments submitted during the comment period, the hearing record, if any, and the requirements of the federal and state acts and appropriate regulations, the Division will make determinations regarding final permit action. Permit applications, draft permits, supporting rationales, and comments relating to proposed issuance or approval are available for review and/or copying at the above address between the hours of 8:00 a.m. and 4:30 p.m., weekdays, except holidays. There is a nominal charge for copying, except single copies of permit applications, draft permits, and supporting rationales.

Please bring this notice to the attention of persons whom you know will be interested.

RATIONALE FOR NPDES PERMIT

COMPANY Highland Sand Company

AREA OR MINE DESIGNATION Cumberland County Facility

COUNTY Cumberland ACRES 40

TYPE OF OPERATION Construction Sand & Gravel

U.S.G.S. MAP 117-NW Dorton LATITUDE 35° 53' 40"

LONGITUDE 84° 54' 30"

Receiving Stream(s) Meadow Creek Meadow Creek

Discharge Number(s) 001 002

Classified Uses: All surface waters in the Clinch River Basin, named and unnamed, which have not been specifically noted shall be classified

Domestic Supply [ ] [ ] [ ]

Industrial Supply [ ] [ ] [ ]

Fish and Aquatic Life [X] [X] [ ]

Recreation [X] [X] [ ]

Irrigation [X] [X] [ ]

Livestock/Wildlife [X] [X] [ ]

Navigation [ ] [ ] [ ]

The proposed discharge(s) should not adversely affect the receiving stream(s) provided the conditions and limitations contained within the permit are adhered to.

The applicable limitations and conditions of 40 CFR 434 are adequate to protect the classified uses of the receiving stream(s) as established by TDHE Rules 1200-4-4.

The facility is a new source pursuant to 40 CFR 122.3.

The facility is an existing source pursuant to 40 CFR 122.3.

Comments: Original permit expired on January 31, 1983.

28 acres have been added to permit area.

Prepared By: [Signature]

Date: June 23, 1985